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INSPECTION DIVISION OFFICE OF INSPECTIONS



INSPECTOR'S REPORT A REVIEW OF THE CJIS DIVISION'S NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) IN CLARKSBURG, WEST VIRGINIA



Nancy McNamara Assistant Director Inspection Division

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I. EXECUTIVE SUMMARY

(U//FOUO) Background: At the request of the Director, INSD conducted a special review of the Criminal Justice Information Services (CJIS) Division's National Instant Criminal Background Check System (NICS) Section in relation to the purchase of a handgun by Dylann Roof, the subject in the 06/17/2015 Emmanuel African Methodist Episcopal (AME) Church shooting in Charleston, SC. This review commenced on 07/14/2015. INSD traveled to CJIS on 07/20/2015 and conducted leadership and staff interviews; reviewed Standard Operating Procedures (SOPs); and assessed the NICS computerized database system.

(U//FOUO) **Scope and Objectives:** INSD's special review focused on NICS protocols and procedures to assess: (1) the availability and timeliness of actionable intelligence; (2) coordination and information sharing between CJIS and law enforcement agencies; and (3) CJIS Division's oversight and program management preceding the 06/17/2015 church shooting incident. INSD identified Issues and Recommendations which are detailed herein.

(U//FOUO) Overview of NICS: NICS is a DOJ program designed to keep firearms from criminals, the mentally ill, illegal aliens, and people who have renounced their U.S. Citizenship or violate a number of State specific prohibitors. NICS is utilized to determine qualification for receiving or possessing firearms according to federal guidelines. The NICS process includes searching, at a minimum, three federally maintained databases. If applicant identifiers match any entries in the federally maintained databases, a designated set of databases, the "External Manual and Automated Databases," are cross-referenced for resolution.

(U//4 /OUO) NICS Section Structure:	full-time Examiners
range in grade from GS-6 to GS-9. Examiners are assigned	to the NICS Section, within the CJIS
Division at Clarksburg, West Virginia. The Examiners are o	livided into various NICS program
roles, to include, the Research and Analysis Team; Appeal S	Services and Explosives; Command
Center; Regional Coordinators; and NICS Index Team. Add	litionally, NICS manages three
regional contract Call Centers, which employ approximately	Customer Service
Representatives (CSSR).	

(U/AFOUC) NICS Process: A NICS background check inquiry can follow several paths from inquiry to resolution. To initiate a firearms background check, an applicant must show the Federal Firearms Licensee (FFL) an approved form of photo identification and provide name, sex, race, date of birth, and the state of residence as required on ATF Form 4473. A NICS Transaction Number (NTN) is provided to the FFL and must be recorded on ATF Form 4473. NICS requested applicants submit additional descriptors and unique identifiers to assist in discerning between similar records, because NICS utilized a descriptive based search. The NICS response to

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an inquiry consisted of a notice to the FFL stating the transfer of the firearm may Proceed, is Denied, or was Delayed pending further review. FFLs were permitted to legally transfer weapons when the NICS response is Proceed or if exceeding three business days from a Delayed inquiry. The criterion for denving a transfer was based on ten federal prohibitors, as well as, additional state specific prohibitors

(U//TOUU) NICS Section Business Proc	ess: NICS operates from 8 am ES1 to 1 am
EST, seven days a week, every day with the excep	otion of Christmas. A NICS inquiry is
processed by either CJIS/NICS or a designated sta	tte point of contact, which involves state
employees querying NICS and conducting the nec	essary follow up. Thirty six states opted for
the FBI to provide the firearms background check	function. For the inquiries processed by
NICS, the FFL can contact NICS via telephone (C	'all Centers) or submit requests through the
NICS E-Check ¹ automated service. At the NICS	
resolution or until all logical leads are awaiting ex	ternal response.
If the inquiry	is Delayed, the inquiry is placed in the
appropriate regional queue for in-depth research re	egarding laws or prohibitions specific to a state

or region. This was the case in the Roof matter.

(U//FOUO) Roof Case: On Saturday, 04/11/2015, Roof attempted to purchase a .45 caliber Glock handgun at a gun store in West Columbia, South Carolina. Roof's information was checked in the National Instant Crime Background Check System (NICS) as required by law and Delayed due to potential prohibitors. On the next business day, Monday, 04/13/2015, a Examiner at the CJIS facility in West Virginia, began to process the inquiry. The initial check of Roof's criminal history indicated he was arrested for a felony drug charge. This charge was not enough to Deny proceeding with the transaction and required further inquiry. The Examiner reviewed Roof's criminal history and determined the arresting agency listed on Roof's criminal record was the Lexington County Sheriff's Office (LCSO).

(U/POU01 The Examiner determined a case disposition was not listed, then faxed a request to the Lexington County Sheriffs Office (LCSO) requesting more details on the case. Next, the Examiner faxed a similar request to the Lexington County Prosecutor's Office. The LCSO contacted the Examiner and advised the case did not belong to them, and the Examiner should check with the Columbia Police Department (CPD). The Examiner did not locate a listing for the CPD in Lexington County but did locate a listing for the West Columbia Police Department (WCPD). The Examiner contacted the WCPD and was advised there was no record b7E

¹ NICS E-Check is an electronic service, accessed via the Internet, for the NICS Section to directly accept firearms background checks from FFLs. The system automatically conducts the same review as NICS Call Center CSSRs and responds accordingly.

of an arrest of Roof. Court records revealed no convictions. Contacted agencies provided either no definitive clarifying information or did not respond. While the Roof inquiry remained in Delayed status, the Examiner processed other inquiries.

(U//TOUO) On Thursday, 04/16/2015, the fourth business day from the initial inquiry request, the Brady Transaction Date, the gun dealer exercised his lawful discretion and transferred the gun to Roof. On 06/17/2015, Roof shot and killed nine people attending church services in Charleston, South Carolina.

Summary Findings

(U//FOUO) The Roof transaction represented one of many paths an FFL inquiry could follow through the complex NICS process. The INSD review identified both areas of exemplary performance and improvement opportunities. Recommendations and identified mitigation opportunities are detailed herein.

(U//FOUO) Positive Outcomes

- The Examiner on the Roof Matter performed as required and in accordance with current policy and procedures.
- NICS Section EM worked proactively to predict and resolve resource and workflow challenges with available in-house resources.
- NICS worked collaboratively as a section and in an "all hands on deck" manner to meet a
 background check demand which doubled over the past ten years.
- NICS recognized the importance of strong SOPs and devised standardized training for all new Examiners.
- NICS staff articulated dedication and pride in the mission, in spite of heavy workloads and challenges with the receipt of timely information from law enforcement agencies.

(U//FOUO) Issues

- The lack of timely responses and/or incomplete records were primarily responsible for delayed inquiries. Record holders are not required to respond to NICS inquiries.
- Examiners were forced to rely on outdated and inefficient means of communication with various state and local agencies which inhibited effective resolution.
- While demand doubled over the last 10 years, resources remained essentially the same within the NICS Section. Consequently, proactive outreach efforts with agencies and FFLs suffered as resources were pulled to address the increasing number of NICS inquiries.
- To meet statutory requirements, CJIS management amended SOPs and curtailed resolution efforts to focus on initial reviews within the Brady Transaction Period.

- NICS was not required, and therefore did not ensure requests for information to outside
 agencies were received or reviewed by the recipient agency.
- NICS was not required to proactively review current or new information resources to
 increase overall effectiveness in conducting firearm background checks. Limited
 resources and SOPs limited the ability of Examiners to pursue additional datasets. For
 instance, a query of NDEX, which was reviewed and subsequently not included as a
 NICS dataset, would have revealed the prohibiting Roof incident report.
- Quality assurance processes were burdensome and reduced manpower available for inquiry resolution. During surge periods, quality assurance was limited to full-time Examiners and the surged workforce was not reviewed.
- Emphasis on inquiry quotas, linking performance to the number of processed inquiries, and regularly redirecting employees from other units to work the high volume of incoming inquiries shifted focus away from resolution and negatively impacted morale.
- NICS examinations are complicated by statutory requirements, including short data purge windows, and increased Examiner requirements to complete reviews in order to verify prohibitors.
- NICS demonstrated the ability to predict surge requirements, however employee schedules were maintained which did not maximize effectiveness.

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II. SCOPE AND METHODOLOGY

(U//FOUO) On 07/20/2015, a six-member INSD team including, an Inspector-in-Charge, two Inspection Team Leaders, two Assistant Inspectors-in-Place, and a Support Operations Specialist, deployed to the FBI CJIS facility in Clarksburg, West Viginia, to conduct the review. The team conducted interviews with management and Legal Instrument Examiner Teams in the NICS Section. INSD's review focused on three areas: (1) the availability, sharing, and timeliness of actionable intelligence: (2) coordination among CJIS units and law enforcement; and (3) CJIS Division's oversight and program management preceding the 06/17/2015 shooting incident at the Emanuael AME Church in Charleston, South Carolina.

(U//FOUO) INSD conducted a total of 21 interviews. All of the interviews involved personnel assigned to the NICS Section as denoted below:

FBI	Number Interviewed
AD	
SECTION CHIEF	1
UNIT CHIEF	3
ACTING UNIT CHIEF	2
SUPERVISOR EXAMINER UNIT	2
SUPERVISOR LEGAL ANALYSIS TEAM	8
SUPERVISOR PROGRAM ANALYSIS	
SUPERVISOR BUSINESS RELATIONS	1
REGIONAL COORDINATOR	-2
TRAINING	2
LEGAL INSTRUMENT EXAMINER	4
MAPA	
Total Interviewed	21

Table I

(U//FOUO) INSD reviewed NICS Section communications consisting of faxes, reports. Standard Operating Procedures, NICS internal documents, and a NICS SharePoint site. INSD did not review or interview personnel from external agencies.

(U//FOUO) Overview of NICS: NICS is a DOJ program designed to keep firearms from criminals, the mentally ill, illegal aliens, and people who have renounced their U.S. Citizenship or violate a number of State specific prohibitors. NICS is utilized to determine qualification for receiving or possessing firearms according to federal guidelines. The NICS process includes searching, at a minimum, three federally maintained databases: the National Crime Information Center (NCIC), the Interstate Identification Index (III), and the NICS Index.

	(U// FOUO) NICS Section Structure:full-time Examiners	
	in grade from GS-6 to GS-9. Examiners are assigned to the NICS Section, within the CJIS	
	on at Clarksburg, West Virginia. The Examiners are divided into various NICS program to include, the Research and Analysis Team; Appeal Services and Explosives: Command	
	; Regional Coordinators; and NICS Index Team.	
	The Research and Analysis Team processes checks on prospective gun buyers.	
	The Research and Analysis Team processes checks on prospective gun buyers. The Research and Analysis Team employs a staffing level of NICS Section employees.	
	 The Appeal Services and Explosives Team processes customer appeals for Delayed and Denied firearm background checks, to include issuing explosive permits. The Appeal Services and Explosives Team employs a staffing level of 	
	NICS Section employees.	
	 The Command Center serves as the central location for all NICS functions. focused on monitoring Examiner activity levels, as well as the Automated Call Distribution. The Command Center has a staffing level of NICS Section employees. 	
	The Regional Coordinators assist Examiners with inquiry dispositions when requested. The Regional Coordinators employ a staffing level of NICS Section employees or	
	The NICS Index Team manages the new record verification process, composed of but not limited to, records received from the Appeal Services and Explosives Team; Immigration and Customs Enforcement (ICE) Submissions; and External Agency Submissions. The NICS Index Team employs a staffing level of NICS Section employees.	
	(U// FOUO) Additionally, the NICS Section manages three regional contract Call Centers	
centers	as-Fort Worth, Texas; Wheeling, West Virginia; and Barbourville, Kentucky. These call employ approximately Customer Service Representatives (CSSR) who triage initial	
	one NICS inquiries. An organizational chart is referenced in the Roof Case Binder	
(Apper	ndix K, Section 2).	

(U//FOUO) NICS Process: The NICS process can follow several paths from inquiry to resolution. To initiate a firearms background check, an applicant must show the FFL an approved form of photo identification and provide name, sex, race, date of birth, and the state of residence as required on ATF Form 4473. A NICS Transaction Number (NTN) is provided to the FFL and must be recorded on ATF Form 4473. NICS requested applicants submit additional descriptors and unique identifiers to assist in discerning between similar records, because NICS utilized a descriptive based search. The NICS response to an inquiry consists of a notice to the FFL stating

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the transfer of the firearm may Proceed, is Denied, or is Delayed pending further review. FFLs are permitted to legally transfer weapons when the NICS response is Proceed or if exceeding three business days from a Delayed inquiry. The criterion for denying a transfer is based on ten federal prohibitors, as well as, additional state specific prohibitors. The ten federal prohibitors as defined in the Gun Control Act of 1968; Title 18, United States Code (U.S.C.), Sections 921 and 922; Title 27, Code of Federal Regulations (C.F.R.) Part 478.11, are briefly outlined below and incorporated in Appendix A:

- SECTION 922(g)(I) PERSONS WHO HAVE BEEN CONVICTED IN ANY COURT OF A CRIME PUNISHABLE BY IMPRISONMENT FOR TERM EXCEEDING ONE YEAR
- SECTION 922(g)(2) PERSONS WHO ARE FUGITIVES FROM JUSTICE
- SECTION 922(g)(3) PERSONS WHO ARE UNLAWFUL USERS OF OR ADDICTED TO ANY CONTROLLED SUBSTANCE
- SECTION 922(g)(4) PERSONS WHO HAVE BEEN ADJUDICATED AS MENTAL DEFECTIVES OR HAVE BEEN COMMITTED TO A MENTAL INSTITUTION
- SECTION 922(g)(5) PERSONS WHO ARE ALIENS AND ARE ILLEGALLY OR UNLAWFULLY IN THE UNITED STATES
- SECTION 922(g)(6) PERSONS WHO HAVE BEEN DISCHARGED FROM THE U.S. ARMED FORCES UNDER DISHONORABLE CONDITIONS
- SECTION 922(g)(7) PERSONS WHO, HAVING BEEN CITIZENS OF THE UNITED STATES, HAVE RENOUNCED THEIR U.S. CITIZENSHIP
- SECTION 922(g)(8) PERSONS SUBJECT TO A COURT ORDER THAT RESTRAINS
 THEM FROM HARASSING, STALKING, OR THREATENING AN INTIMATE PARTNER
 OR CHILD OF SUCH INTIMATE PARTNER, OR FROM ENGAGING IN OTHER
 CONDUCT THAT WOULD PLACE THE PARTNER OR CHILD IN REASONABLE FEAR
 OF BODILY INJURY
- SECTION 922(g)(9) PERSONS CONVICTED IN ANY COURT OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE
- SECTION 922(n) PERSONS WHO ARE UNDER INDICTMENT OR INFORMATION FOR A CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR.

(U//FOUC) While the majority (91%) of NICS inquiries are resolved within minutes, the absence of complete records and/or unavailable clarifying information requires additional processing to allow for determination of eligibility. Delayed transactions are placed in the "Delayed Queue." In such cases, the Brady Handgun Violence Prevention Act allows the NICS Examiners up to three business days to obtain the missing/clarifying information by contacting local, state, and federal law enforcement agencies. If the information cannot be obtained prior to the expiration of the allotted three business days, also referred to as the Brady Period, and NICS is unable to provide either a Proceed or Deny response, the FFL has the option to legally transfer the firearm. The date on which the transfer may legally occur is called the "Brady Transaction Date."

(U//FOUO) If the NICS Legal Instruments Examiner, hereafter referred to as Examiner, discovers a NICS firearm transaction is Denied after the Brady Transaction Date, the Examiner must verify if the firearm was transferred by the FFL. The Examiner must also obtain the day of

transfer and select the correct Firearm Retrieval/Referral Ranking Code. The Examiner refers the information obtained from the FFL along with the appropriate Firearm Retrieval/Referral Ranking Code to initiate ATF retrieval of the firearm from the purchaser.

The following is a list of the codes and their of	descriptions:			
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(Ú/ ÆÓUÓ)				
				b

(U//FOUO) NICS Section Business Process: NICS operates from 8 am EST to 1 am EST, seven days a week, every day with the exception of Christmas. A NICS inquiry is processed by either CJIS/NICS or a designated state point of contact, which involves state employees querying NICS and conducting the necessary follow up. Thirty-six states opted for the FBI to provide the firearms background check function. For the inquiries processed by NICS, the FFL can contact NICS via telephone (Call Centers) or submit requests through the

NICS E-Check² automated service. At the NICS Section, Examiners typically select inquiries from the "Pending Queue" and work the inquiry through resolution or until all logical leads are awaiting external response.

If the

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inquiry is Delayed, the inquiry is placed in the appropriate region queue for in-depth research regarding laws or prohibitions specific to a state or region. This was the case in the Roof matter. The NICS process is depicted on page 11, Figure 1, and incorporated in Appendix B.

(U//FOUO) The below chart explains the status of an inquiry as it proceeds through the process.

Inquiry Status	Day Number	Status Explanation
Delayed	1 - 3	Unable to resolve within
		Brady Transaction Date
Open	4 - 30	Remains in Examiner's
30.003		personal history for action
Expired	31 - 88	Drops off Examiner's history
		and is available for action by
		any Examiner.

Table 2

(U//FOUO) Examiners pull inquiries out of the Pending Queue or their respective Regional Queue and process accordingly. Transactions exceeding the Brady Transaction Date (third business day) remain in an Open status in the Examiner's history for the remainder of the initial 30 days. Open status allows any examiner to access the inquiry if new information becomes available. After 30 days, the inquiry is removed from the Examiner's history and placed in Expired status, also accessible to all Examiners. At Day 88, the records are purged from the system per statute.

(U//POUO) In 2014, NICS received approximately 8,256,688 firearms background inquiries, an average of 22,683 inquiries each day. The NICS Call Centers resolved 5,531,981 of the transactions, with the remainder forwarded to the NICS Section at CJIS. A total of 228,006 of the requests forwarded to the NICS Section were Delayed and went past the three business day Brady requirement. Of those, 172,879 were purged without resolution after 88 days. The NICS Process is depicted below. The 2014 Unresolved NICS Transaction break-down is referenced in Appendix H.

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² NICS E-Check is an electronic service, accessed via the Internet, for the NICS Section to directly accept firearms background checks from FFLs. The system automatically conducts the same review as NICS Call Center CSSRs and responds accordingly.

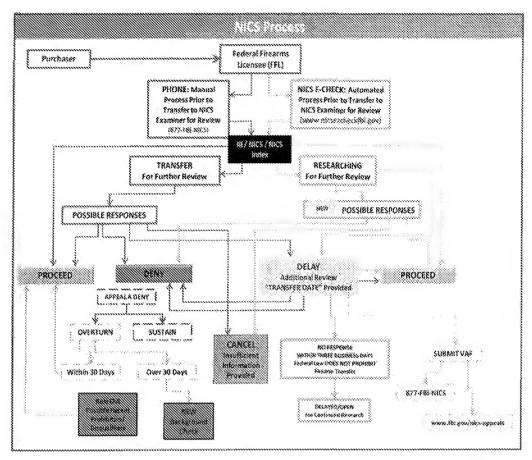


Figure t

III. THE ROOF CASE

(U//FOUG) On Saturday, 04/11/2015, Roof went to Shooter's Choice, a gun store located at 944 Sunset Boulevard, West Columbia, South Carolina to purchase a .45 caliber Glock handgun. Roof filled out ATF Form 4473 for the FFL. Question 11e on the form was: "Are you an unlawful user of, or addicted to marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance?" Roof checked "No" on the form. If Roof responded affirmatively, the FFL would have terminated the sale and would not have contacted NICS. At 3:58 pm, the FFL contacted NICS as required by law and the telephone call was routed to the Dallas-Fort Worth, Texas Call Center. The CSSR entered information from Roof's ATF Form 4473 into the NICS automated system, which reviewed the three federally maintained databases. A potentially matching identifier was located and at 3:58 pm, the CSSR transferred the FFL to the NICS Section in Clarksburg, West Virginia for additional processing. The telephone call was received by the Examiner in Clarksburg at 4:01 pm.

(U/ FOUO) The Examiner received the transfer from	
	1,1,1,1,1

and tried

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to make a quick determination to Proceed, Deny, or Delay the transaction (NCIC and III records are incorporated in Appendix D). The Examiner identified an III record containing a potential prohibitor, however, the same III record lacked a final disposition. At 4:04 pm, the Examiner advised the FFL the transaction was Delayed and the FFL marked a delayed response in box 21c of the 4473 and noted on the form the firearm could be transferred on 04/16/2015. Due to the additional research required for Roof's inquiry, and also due to the pending backlog of inquiries, the Examiner set the transaction in the Region II Delay Queue for further review by the team responsible for states including South Carolina.

(U/#OUO) On Monday, 04/13/2015, Business Day One, at 1:49 pm, a second Examiner pulled the transaction from the Region II Delay Queue and identified an III hit for a felony/drug arrest. The record indicated the arrest date was 03/01/2015, and the arresting agency was identified as the Lexington County Sheriff's Office (LCSO), Originating Agency Identifier (ORI) number, SC0320000. Roof was charged with "MPD, SCH1 B,C,LSD and SCH II, COCAINE-3rd/SUB." After reviewing the record, the Examiner identified two potential federal prohibitors. Based on the record revealing a felony arrest: 922(g) (1), Persons Who Have Been Convicted In Any Court of A Crime Punishable by Imprisonment For Term Exceeding One Year could have applied. Further, because the arrest was for drug violations, 922(g) (3), Persons Who Are Unlawful Users of/or Addicted To Any Controlled Substance may also have applied.

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³ On approximately 6/20/2015 (following the shooting at the AME Church on 06/17/2015), the LCSO amended the III record to reflect CPD as the arresting agency and added CPD as the ORI.

(U//FOUO) The Examiner generated a Final Disposition Report, Form R-84, which included the pending charges, and faxed it to the LCSO at 1:58 pm in an effort to obtain clarifying information (Appendix E). The Examiner listed information NICS required on the R-84, including an incident report, whether the drugs were field tested, and if Roof admitted to using drugs. At 2:00 pm, the Examiner faxed a similar request to the Lexington County Solicitor's Office. That same day at 4:05 pm, the LCSO faxed the R-84 back to the NICS Section bearing a handwritten note on the R-84 stating. "No arrest or report for this date. The last Arrest was on 02-28-15. Columbia PD will have the report." The note did not contain a telephone number or other identifiers for the CPD. The Examiner reviewed the NICS Section POC List for Region II. The NICS Section POC list was sorted by county and the Examiner was unable to locate a listing for the CPD in Lexington County, but found a listing for the West Columbia Police Department (WCPD) in Lexington County. The Examiner was unaware Columbia, SC was located within two counties, Richland and Lexington, therefore pursued WCPD for the needed information. At 4:07 pm. the Examiner sent the same R-84 information. via fax, to the WCPD requesting the same information previously faxed to the LCSO (Appendix F).

(U//POUO) On the second business day, 04/14/2015, at 8:46 am, the WCPD responded via fax with a handwritten note on the R-84 stating, "Not WCPD warrant... This is not a WCPD arrest." Based on experience, the Examiner knew responses from agencies indicating a lack of information may indicate a record existed but was not yet entered into the state's system. The fax requesting information from the Lexington County Solicitor's Office remained outstanding. At this point in the process, the Examiner had "Exhausted all Means" as all possible agencies were contacted as outlined in the state-specific list maintained by NICS, and all database searches were conducted as defined by NICS SOPs. Since court records revealed no convictions and contacted agencies provided no definitive clarifying information or did not respond, the Examiner left the Roof inquiry in the Delayed Queue and processed other inquiries while awaiting a response from the Lexington County Solicitor's Office. According to NICS protocol, the transaction would remain in Delay status indefinitely or until it was purged per statute from the NICS system.

(U//FOUO) On Thursday, 04/16/2015, the fourth business day from the initial inquiry request, the Brady Transaction Date, the gun dealer exercised his lawful discretion and transferred the gun to Roof. The Lexington County Solicitor's Office did not respond to the Examiner's request for information. The Roof transaction went from Delay status to Open/Delay status awaiting any new information within the Examiner's inquiry history.

⁴ The term "Exhausted all Means" is defined, referenced, and articulated in SOP 5.15, Documenting Research Comments, Section 1, page 11. The section states, "When examiners have exhausted all resources obtaining information, the following must be entered into the transaction. All resources identified after reasonable research have been exhausted (sie)"

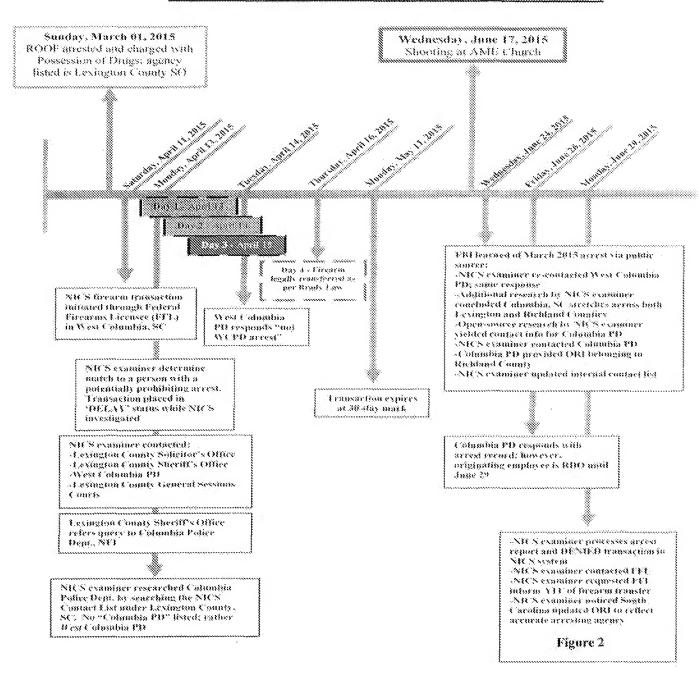
(U// POUO) On 05/11/2015, the Roof inquiry were Expired/Delayed status and dropped off of the Examiner's system pending new developments or statutory purge. (U/ POUO) On 06/17/2015, Roof allegedly shot a considerent the Example AME Character Charleston South	history. The inquiry remained in the and killed nine people attending church
services at the Emanuel AME Church in Charleston, South	n Carolina.
(U// FOUO) On 06/20/2015, The III record was up stated, "SC0400100 (CPD ORI number) COLUMBIA PD MISDEMEANOR, ARREST CHARGE1 -POSS OTHER TO V - 1 ST , OFFENSE DATE - 02/28/2015, PALM PRIN	CIT-44-53-370(D)(2) — . CONTROLLED SUB IN SCHED I,
(U//FOUO) On 06/24/2015, a separate Examiner of report. The WCPD reported they were not the arresting againformation. The Examiner began to research Columbia, Stachland and Lexington. The Examiner went online and f and called CPD to request information. CPD requested the information to CPD in order to have a written confirmation CPD a request for the incident report and also requested the (SC0400100) is in Richland County, not Lexington County	tency and did not have this SC and found it covered two counties, cound contact information for the CPD Examiner to fax the request for n of the request. The Examiner faxed eir ORI identifier. CPDs ORI
(U// FOUO) On 06/26/2015 CPD faxed the final di (Appendix G).	sposition and incident report to NICS
(U// TOUO) On 06/29/2015, the NICS Section proc CPD along with the ORI information. The Regional Coord Region II POC contact list. The same day, the Regional C telephone and instructed him to Deny the transaction (purs Regional Coordinator directed the FFL to fax the Roof 447 notify the ATF a prohibited individual was in possession of	finator for Region II updated the NICS coordinator contacted the FFL by uant to NICS SOP Number 3.4). The 3 Form to the ATF, which served to

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(U//FOUO) A review of the CPD incident report revealed Roof was contacted by the CPD on 02/28/2015 at 8:42 pm. CPD received a complaint from mall security at the Columbiana Centre Mall, 100 Columbiana Circle, Columbia SC, regarding a male wearing all black clothing, entering stores in the mall, and asking employees how many associates were working and what time they closed. A CPD police offier made contact with Roof at the mall, conducted a consent search, and located an unlabled white bottle containing multiple orange strips in Roof's jacket pocket. Roof advised the officer the strips were Suboxone and Roof admitted he did not have a prescription for the Suboxone. Roof stated he received the Suboxone from a friend. Roof was placed under arrest and charged with possessing Suboxone, a Schedule III narcotic. While the initial contact and investigation occurred on 02/28/2015, the III records denote Roof's arrest date as 3/1/2015.

(U//POUO) Federal Prohibitor section 922(g)(3) — Persons Who Are Unlawful Users of or Addicted to Any Controlled Substance, section 2, prohibits. "A person who is a current user of a controlled substance in a manner other than as prescribed by a licensed physician" from obtaining a firearm. Since, the CPD incident report regarding Roof's arrest indicated Roof was arrested for possession of Suboxone, a schedule III narcotic and Roof admitted to using the substance, 922(g)(3) would have applied. Under 922(g)(3), if the Examiner obtained the information in the CPD report, the inquiry would have been Denied. A time-line of events related to the Roof transaction, beginning with the booking date as documented in the III record, is outlined on page 16, Figure 2 and incorporated as Appendix C.

Timeline of Events - Dylann Storm ROOF



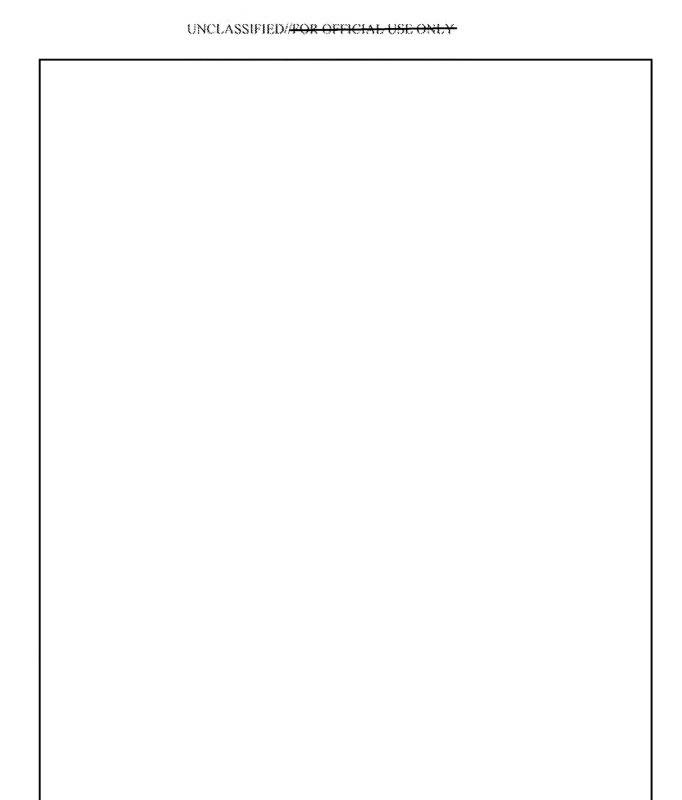
IV. **Findings** (U//FOUC) The Roof fransaction represented one of many paths an FFL initiated background check inquiry could follow through the complex NICS process. The INSD review identified both areas of exemplary performance and improvement opportunities. (U//FOUO) Positive Outcomes: This section contains specific analysis on effective performance by the NICS Section. In Fiscal Year 2014, the NICS Section resolved 97% of all NICS transactions within three business days, as required by law, with limited resources and systemic challenges. (U//FOUO) Positive Outcome 1: The Examiner on the Roof Matter performed as required and in accordance with current policy and procedures. (U//FOUC) Positive Outcome 2: NICS Section EM worked proactively to predict and resolve resource and workflow challenges with available in-house resources.

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(U//FOUO) Positive Outcome 4: The NICS Section recognized the importance of strong SOPs and devised standardized training for all new Examiners.

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(U//FOUO) Recommendation 1a: The NICS Section should consider automating external POC lists to ensure Examiners have comprehensive contact information for state/local law enforcement and judicial agencies.

(U//FOUO) Recommendation 1b: The NICS Section should consider leveraging the existing CJIS Executive Advisory Policy Board (APB), which is made up of state representatives who meet several times a year, to assist in updating of POC lists, increasing record availability to the NICS Section, or improving agency responsiveness. Additional enterprise outreach efforts should be leveraged, such as the Office of Partnership and Engagement, NJTTF, National Academy, and other similar organizations to assist in updating of POC lists, increasing record availability to the NICS Section, or improving agency responsiveness.

(U//TOUO) Recommendation Ic: The NICS Section EM should consider leveraging relevant Headquarters and Field Office Representatives when an external agency is deemed unresponsive or uncooperative. The FBI Representatives, through proper liaison efforts, could obtain the information in an expedient manner. The NICS Section could potentially utilize field office resources/Task Force Officers/CJIS Coordinators to obtain the information and/or influence uncooperative agencies.

(U//FOUO) Recommendation Id: Organizations such as the International Association of Chiefs of Police (IACP) and the National Sheriffs Association (NSA) could be utilized to message state, local, and tribal agencies' leadership components on the importance of working with the NICS Section to help prevent the transfer of firearms to prohibited individuals.

(U//FOUO) Recommendation 1e: The NICS Section should consider leveraging OCA to identify potential legislative remedies.

(U/APOUC) Issue 2: Examiners rely on inefficient means of communication with various state and local agencies which inhibited effective resolution.

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(U//FOUO) Recommendation 2: The NICS Section should, at a minimum, consider an SOP wherein an Examiner confirms faxes are received and/or makes personal contact when necessary, and if feasible. The NICS Section should also devise strategies to encourage agencies to update NCIC records and ORI information.

U// FOUO) Issue 3 ssentially the same gencies and FFLs s iquiries.	within the NIC	S Section. C	Consequently,	proactive outr	each efforts with

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Recommendation 3a: Efforts should be made to align resource growth with workload	1.
Recommendation 3b: The NICS Section was approved to backfill positions, of which are Examiners. All are pending final background review. Priority should given to the adjudication of the pending background reviews. Recommendation 3c: The NICS Section should request resources from DOJ to augm	4 °C
a portion of the FSL needed OUO) Issue 4: To meet statutory requirements, the NICS Section management amended	1
and curtailed resolution efforts to focus on initial reviews within the Brady Transaction d. The NICS Section should review SOPs to prioritize inquiries exceeding the Brady action Period as well as inquiries within the period.	\neg

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Recommon as volume	endation 4: The NICS Section should ensure SOPs prioritize resolution as well	
	e 5: NICS SOPs prioritized volume over resolution allowing Delayed work to	
	ay 3 which met the statutory requirement, but resulted in inquiries exceeding	
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(U//FOUO) Recommendation 5a: The NICS Section should ensure SOPs result in intended outcomes.

(U//FOUO) Recommendation 5h: The NICS Section should not allow transactions to reach the Day 3 Queue. Delayed work should be reviewed no later than Day 2 in order to provide an agency a minimum of 24 hours to respond to the request for information prior to the expiration of the Brady Transaction Date.

(U/#FOUO) Issue 6: The Brady Handgun Violence Protection Act does not define how an agency should respond to requests or require a response, the Act only focused on the sale or

	tize efforts to				develop an SOP to , addressed, and fu	
		mendation 61	v. The NICS	Section should:	coordinate with O	"A to
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a	1// TOUO) Recommendation 7a: The NICS Section should seek to identify and
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re FI (L an Ju	view additional database resources or stakeholders both internal and external to the 31. 1// FOUO) Recommendation 7b; The NICS Section should continue efforts with DOJ d OGC to clarify the federal rohibitor 922(g)(2) - Persons Who are Fugitives from stice.
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re FI (L an Ju OU(nowe he su	view additional database resources or stakeholders both internal and external to the 31. I//FOUO) Recommendation 7b: The NICS Section should continue efforts with DOJ d OGC to clarify the federal rohibitor 922(g)(2) - Persons Who are Fugitives from stice. 3) Issue 8: Quality assurance processes were resource intensive and reduced

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1	U// FOUO) Recommendation 8a: The NICS Section should revise QA policy to make the QA process more efficient and comprehensive, especially during periods of secalation.
6	U// FOUO) Recommendation 8h: The NICS Section should consider replacing the GS- and GS-7 workforce with an expanded cadre of GS-9s. The higher standards applied to GS-9s, along with appropriate management engagement and oversight, would result in a nore capable and experienced work force, improving quality and efficiency.
se	(C) Issue 9: Emphasis on inquiry quotas, linking performance to the number of d inquiries, and regularly redirecting employees from other units to work inquiries, ocus away from resolution, and negatively impacted morale.

(U// TOUO) Recommendation 9: The NICS Section should review SOPs regardinguiry quotas, performance, and Escalation to maximize resource efficiency of inc	
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resolution.	
TOUO) Issue 10: NICS Section examinations were complicated by statutory requires	ments,
uding short data purge windows and increased review required to verify prohibitors.	**

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(U// FOUO) Recommendation 10: The NICS Section should coordinate with OCA to assess the possibility for legistlative relief to facilitate effective NICS Operations. (U// FOUO) Issue 11: The NICS Section demonstrated the ability to predict surge requirements; however, employees maintained schedules which did not maximize effectiveness.	bs

(U//FOUO) <u>Recommendation:</u> The NICS Section should conduct a review of existing scheduling practices and propose revisions to maximize efficiency.

V. CONCLUSION

(U/FOUO). The INSD review determined Examiners met established requirements, but the review also exposed challenges and deficiencies in protocols which require careful review to improve performance. Current SOPs and workload limit the flexibility of Examiners to explore databases not prescribed within the SOP and likely inhibited a simple search query, which in the Roof case, would have identified a CPD contact or could have facilitated the acquisition of information enabling the Examiner to identify the prohibited violation. From a corporate perspective, interagency communications, process adjustments, and resources present the most significant challenges. The lack of effective communication and information sharing among agencies routinely results in NICS inquiries exceeding the Brady Transaction Date enabling firearms to be transferred without a full vetting of charges, dispositions, or other prohibitors. Prioritization of the NICS process on volume over resolution increases the risk of unvetted firearm transfers. Allowing Delayed work to be reviewed on Day 3 met the statutory requirement, but increased the likelihood inquiries exceeded the Brady Transaction Date. CJIS management should continue to assess NICS resource alignment to maximize efficiency. Realigned resources, the addition of new data sets, and creation of an enhanced surge capacity should be considered.

FEDERAL PROHIBITORS



FBI Criminal Justice Information Services Division National Instant Criminal Background Check System Section April 2009

SOURCES: Gun Control Act of 1968; Title 18, United States Code (U.S.C.), Sections 921 and 922; Title 27 Code of Federal Regulations (C.F.R.) 478.11.

SECTION 922(g)(1) - PERSONS WHO HAVE BEEN CONVICTED IN ANY COURT OF A CRIME PUNISHABLE BY IMPRISONMENT FOR TERM EXCEEDING ONE YEAR

A person convicted (including by a general court martial) of any offense <u>punishable</u> by imprisonment for a term exceeding one year, <u>whether or not such term of imprisonment</u> was imposed.

NOTES:

- The term crime punishable by imprisonment for a term exceeding one year does not include (a) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or (b) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.
- What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside, or for which a person has been pardoned or has had civil rights restored, shall not be considered a conviction, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

SECTION 922(g)(2) - PERSONS WHO ARE FUGITIVES FROM JUSTICE

- (1) A person who has fled from any State to avoid prosecution for a felony or a misdemeanor.
- (2) A person who leaves the state to avoid giving testimony in any criminal proceeding.
- (3) A person who knows that misdemeanor or felony charges are pending against such person and who leaves the state of prosecution.

NOTES:

- Pugitives from justice do not include persons who are charged with crimes and there
 is no evidence that they left the state.
- A person is <u>not</u> a fugitive from justice merely because he or she has an outstanding <u>civil</u> traffic citation.

 A person is <u>not</u> a fugitive from justice merely because he or she has an outstanding <u>civil</u> traffic citation.

SECTION 922(g)(3) - PERSONS WHO ARE UNLAWFUL USERS OF OR ADDICTED TO ANY CONTROLLED SUBSTANCE

- (1) A person who uses a controlled substance and has lost the power of self-control with reference to the use of the controlled substance.
- (2) A person who is a current user of a controlled substance in a manner other than as prescribed by a licensed physician.

NOTES:

- Unlawful use is NOT limited to the use of drugs on a particular day, or within a matter of days or weeks before receiving a firearm; rather the unlawful use only needs to have occurred recently enough to indicate that the individual is actively engaged in such conduct. A person may be an unlawful current user of a controlled substance even though the substance is not being used at the precise time the person seeks to acquire a firearm or receives or possesses a firearm.
- An inference of current use may be drawn from evidence or a recent use or possession of a controlled substance or a pattern of use or possession that reasonably covers the present time. For example,
 - A conviction for use or possession of a controlled substance within the past year, or
 - Multiple arrests for use or possession of a controlled substance within the past five years if the most recent arrest occurred within the past year; or
 - A person found through a drug test to use a controlled substance unlawfully, provided the test was administered within the past year.
- For a current or former member of the Armed Forces, an inference of current use may be drawn from recent disciplinary or other administrative action based on confirmed drug use (e.g., court-martial conviction, non-judicial punishment, or an administrative discharge based on drug use or drug rehabilitation failure).
- As defined in 21 U.S.C. §802 and 21 C.F.R. Part 1308, the term "controlled substance" includes but is not limited to marijuana, depressants, stimulants, and narcotic drugs. The term "controlled substance" does not include distilled spirits, wine, malt beverages, or tobacco (as those terms are defined or used in Subtitle E of the Internal Revenue Code of 1986, as amended).

SECTION 922(g)(4) - PERSONS WHO HAVE BEEN ADJUDICATED AS MENTAL DEFECTIVES OR HAVE BEEN COMMITTED TO A MENTAL INSTITUTION

(1) A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence; or mental illness, incompetency, condition, or disease:

Is a danger to himself or others; or

Lacks the mental capacity to contract or manage his own affairs.

- (2) A person found to be insane by a court in a criminal case.
- (3) A person found incompetent to stand trial or found not guilty by reason of lack of mental responsibility pursuant to articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. §850a, §876b.
- (4) A person formally committed to a mental institution by a court, board, commission, or other lawful authority (including commitment involuntarily, commitment for mental defectiveness or mental illness, or a commitment for other reasons, such as for drug use).

NOTES:

- This term does not include a person in a mental institution for observation of a voluntary admission to a mental institution.
- Mental institution includes mental health facilities, mental hospitals, sanitariums, psychiatric facilities, and other facilities that provide diagnoses by licensed professionals of mental retardation or mental illness, including a psychiatric ward in a general hospital.
- In some circumstances, the process by which an agency designates an alternate payer for benefits will meet the criteria for this prohibitor.
- This term does not include a person who has been granted relief from the disability through a qualifying federal or state relief from disability program as authorized by the NICS Improvement Amendments Act of 2007.
- This term also does not include a person whose adjudication or commitment was imposed by a Federal department or agency, and:
 - the adjudication or commitment was set aside or expunged;
 - the person was fully released from mandatory treatment, supervision or monitoring;
 - the person was found to no longer suffer from the disabling mental health condition:

- o the person has otherwise been found to be rehabilitated; or
- the adjudication or commitment was based solely on a medical finding without opportunity for a hearing.

SECTION 922(g)(5) - PERSONS WHO ARE ALIENS AND ARE ILLEGALLY OR UNLAWFULLY IN THE UNITED STATES

- (1) An alien who is illegally or unlawfully in the United States.
- (2) Except as provided in 18 U.S.C. § 922(y)(2), an alien who has been admitted to the United States under a non-immigrant visa (as that term is defined is Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. §1101[a][26]).

NOTES:

- Permanent resident aliens are not prohibited under this section.
- Aliens who are unlawfully in the United States are not in valid immigrant, nonimmigrant or parole status. The term includes:
 - An alien who unlawfully entered the United States without inspection and authorization by an immigration officer and who has not been paroled into the United States under Section 212(d)(5) of the Immigration and Nationality Act (INA);
 - An alien who is a nonimmigrant and whose authorized period of stay has expired or who has violated the terms of the non-immigrant category in which he or she was admitted;
 - An alien who was paroled under INA Section 212 (d)(5) and whose authorized period of parole has expired, or whose parole status has been terminated;
 - An alien who is under an order of deportation, exclusion, or removal, or under an order to depart the United States voluntarily, whether or not be or she has left the United States.
- Examples of Persons who are in the United States in non-immigrant status
 - An alien who is traveling temporarily in the United States for business or pleasure.
 - An alien who studies in the United States and who maintains a residence abroad.
 - An alien who is a temporary foreign worker.

- Exceptions for Non-immigrant Aliens (18 U.S.C. §922[y][2])
 - An alien who has been admitted to the United States for lawful hunting or sporting purposes.
 - An alien who is in possession of a hunting license or permit lawfully issued in the United States.
 - o An official representative of a foreign government who is:
 - Accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or
 - 2) En route to or from another country to which that alien is accredited.
 - An official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State.
 - A foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.
 - An alien who has received a waiver from the Attorney General.

SECTION 922(g)(6) - PERSONS WHO HAVE BEEN DISCHARGED FROM THE U.S. ARMED FORCES UNDER DISHONORABLE CONDITIONS

A person whose separation from the U.S. Armed Forces resulted from:

- (1) A dishonorable discharge; or
- (2) A dismissal adjudged by a general court-martial,

NOTES:

 This term does not include any separation from the U.S. Armed Forces resulting from any other discharge, for example, a bad conduct discharge.

SECTION 922(g)(7) - PERSONS WHO, HAVING BEEN CITIZENS OF THE UNITED STATES, HAVE RENOUNCED THEIR U.S. CITIZENSHIP

A person who, having been a U.S. citizen, has renounced U.S. citizenship either:

- (1) Before a diplomatic or consular officer of the United States in a foreign state pursuant to 8 U.S.C. §1481 (a)(5); or
- (2) Before an officer designated by the Attorney General when the United States is in a state of war pursuant to 8 U.S.C. §1481(a)(6).

NOTES:

 This term does not include any renunciation of citizenship that has been reversed as a result of administrative or judicial appeal. SECTION 922(g)(8) - PERSONS SUBJECT TO A COURT ORDER THAT RESTRAINS THEM FROM HARASSING, STALKING, OR THREATENING AN INTIMATE PARTNER OR CHILD OF SUCH INTIMATE PARTNER, OR FROM ENGAGING IN OTHER CONDUCT THAT WOULD PLACE THE PARTNER OR CHILD IN REASONABLE FEAR OF BODILY INJURY

A person who is subject to a court order that:

- (1) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate; and
- (2) restrains the person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or from engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
- (3) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child or by its terms expressly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

NOTES:

- The term intimate partner includes the spouse of the person, a former spouse of the
 person, an individual who is a parent of a child of the person, and an individual who
 cohabits or has cohabited with the person.
- The term actual notice includes, but is not limited to, service of process personally served on the party and service by mail, proof that notice was left at the party's dwelling house or usual place of abode with some person of suitable age and discretion residing therein or proof that the party signed a return receipt for a hearing notice which had been mailed to the party. The does not include notice published in a newspaper.

SECTION 922(g)(9) - PERSONS CONVICTED IN ANY COURT OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE

A person convicted of a local, state, tribal, or federal offense that meets ALL of the following criteria:

(1) Is a misdemeanor under state, tribal, or federal law, or in jurisdictions which do not classify offenses as misdemeanors, is an offense which is punishable by imprisonment for a term of one year or less, and includes offenses that are punishable only by a fine. (This is true whether or not the statute specifically defines the offense as a "misdemeanor" or as a "misdemeanor crime of domestic violence,") and

- (2) Has, as an element, the use or attempted use of physical force (e.g. assault and battery), or the threatened use of a deadly weapon; and
- (3) Was committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

NOTES

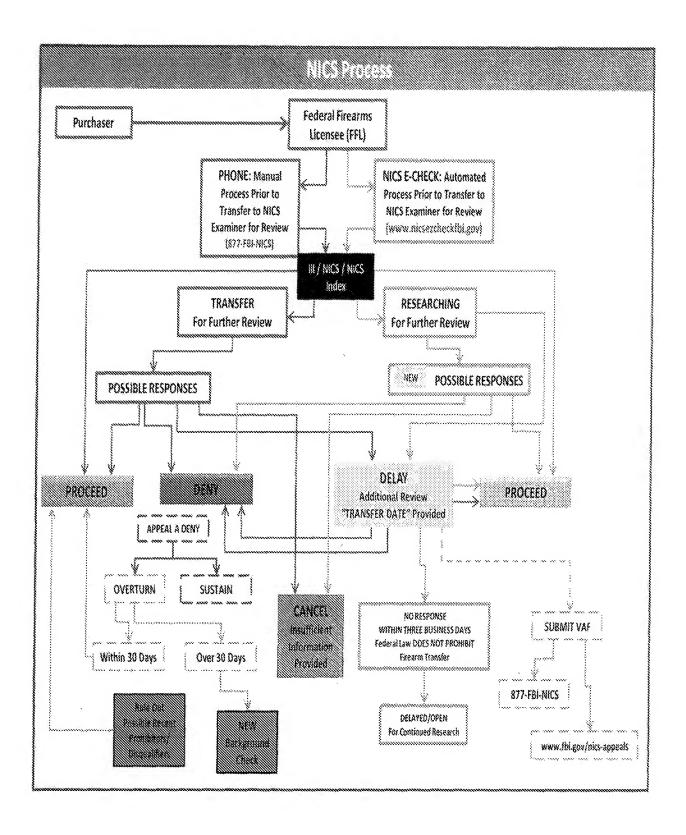
• A person is NOT considered to have been convicted of a misdemeanor crime of domestic violence if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the jurisdiction in which the proceedings were held provides for the loss of civil rights upon conviction for such an offense), unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms and the person is not otherwise prohibited by the law of the jurisdiction in which the proceedings were held from receiving or possessing any firearms.

SECTION 922(8) - PERSONS WHO ARE UNDER INDICTMENT OR INFORMATION FOR A CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE VEAR.

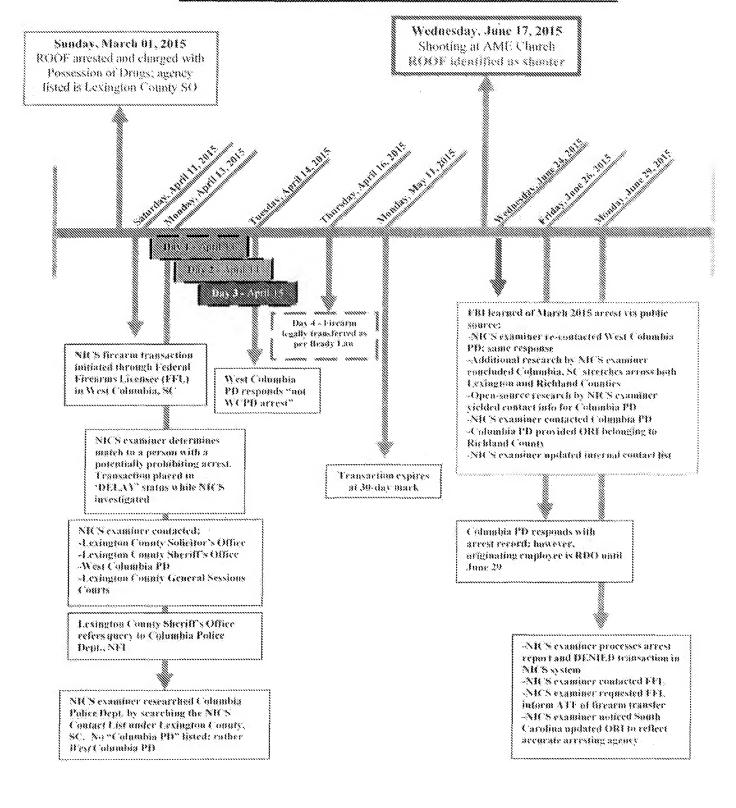
- (1) A person under indictment or information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted:
- (2) A military service member charged with any offense punishable by imprisonment for a term exceeding one year which has been referred to a general court-martial.

NOTES:

• An information is a formal accusation of a crime, which differs from an indictment because it is made by a prosecuting attorney rather than a grand jury.



<u>Timeline of Events – Dylann Storm ROOF</u>





FBI NICS

National Instant Criminal Background Check System
Federal Bureau of Investigation
Post Office Box 4278
Clarksburg, West Virginia 26302-4278



Transmittal Request for Final Disposition or Police Report

NTN 2WCV-F64

Agency:	Lexington Co SO
ATIN	Records
Phone:	803-785-2418
RAX	803-785-2419

Examiner:	
Supervisor	
Phone:	
PAX: 1-888-550-6427	(Tall Free)

Date Faxed:	04/13/2015
1 10	***************************************

Created Date: 04/11/2015

No. Pages: 2____including cover page

Special Handling Instructions: The pages following this cover shest contain Personally Identifiable Information (PII).

WHY DOES NICS EXIST?

The Brady Handgun Violence Prevention Act (Brady Act) requires that background checks be conducted through the National Instant Criminal Background Check System (NICS) to determine whether a prospective firearms transfer would violate federal or state law. The Brady Act does not prohibit the transfer of a firearm after three business days unless information is received that dictates the transfer of the firearm should not take place. Please Note: A firearm may be transferred to a prohibited person if a final response is ant received within three business days of the NTN creation date (initial NICS inquiry).

WHAT CAN I DO TO HELP?

Please provide disposition information on the attached Final Disposition Report (Form NICS-1) or furnish a copy of the police report attached Police Report Request (NICS-MCDV form) and return if to the attention of the NICS Examiner and Supervisor listed above.

Thank you for your help.

What if I do not have the information you need?

Should you be unable to furnish this information, please indicate below the person or agency which may be able to provide the information requested.

9999175450

Please return this document with any additional documentation.

WARNING

Information attached to this cover sheet is U.S. Government property. If you are not the intended recipient of this information, disclosure, reproduction, or distribution, use of this information is prohibited. (18 U.S.C. § 641)

Please notify the originator or the local FBI office immediately to arrange for proper disposition.

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R-84 (Rev. 08-31-1995)	FINAL DISPOSITI	on report	Leave Blank
Note: This vital report mus	d be prepared on each individual whose arrest ting	erprints have been forwarded to the FBI	
arresting agency, complete	in Services Division without final disposition noted to e left side and forward the form when case referred brill to: FBI, CIIS Division, Clarkaburg, WV 2830	to prosecutor and/or courts. Agency on notice as	s to final disposition should
FBI No.		Final Disposition & Date (if convicted or subject pleaded guilty to lesse	er charge, include this
Name on Ingerprint Card Last	First Middle	modification with disposition.)	
ROOF, DYLANN	SIORM		
Date of Birth	Sex_M		ь6 b70
Henry Fingerprini Classification		Is this offense drug related?	Yes No
Erron ERI 1.8 Response State Sureau No. (SID)	Social Security No. (SOC)	This Form Submitted By: (Name, Tills, Agency, ORI No., City & Siste)	
Contributer of Fingerprints together with ORI number. LEXINGTON SC	(include complete asme and location of agency))	Signature	Date
		Title	
Arrest No. (OCA)	Date Arrested or Received 03/01/2015	COURT ORDERED EXPUNGEMENT: Certified or Authenticated Copy of Court Orde	er Attached.
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THANK YOU		2-28-(5, 5
		Columbia to	
N	TN 2WCV-F64		b6 b70

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FBI NICS

National Instant Criminal Background Check System
Federal Bureau of Investigation
Post Office Box 4278
Clarksburg, West Virginia 26302-4278



Transmittal Request for Final Disposition or Police Report

NTN 2WCV-F64

Agency: West Columbia PD	Strong. 10
Agency: ***EST COMMINIA FD	Examiner
ATIN: Records	3thataract
Phone: 803-794-0721 X	Phone:
FAX: 803-791-7843	FAX: 1-888-558-6427 (Toll Free
8.4.7	E-mail:

Date Faxed: 04/13/2015

Created Date: 04/11/2015

No. Pages: 2_____ including cover page

Special Handling Instructions: The pages following this cover sheet contain Personally Identifiable Information (FII).

WHY DOES NICS EXIST?

The Brady Handgun Violence Prevention Act (Brady Act) requires that background checks be conducted through the National Instant Criminal Background Check System (NICS) to determine whether a prospective fireness transfer would violate federal or state law. The Brady Act does not prohibit the transfer of a fireness after three business days unless information is received that dictates the transfer of the fireness should not take place. Please Note: A fireness may be transferred to a prohibited person if a final response is not received within three business days of the NTN creation date (initial NICS inquiry).

WHAT CAN I DO TO HELP?

Please provide disposition information on the attached Final Disposition Report (Form NICS-1) or furnish a copy of the police report attached Police Report Request (NICS-MCDV form) and return it to the attention of the NICS Examiner and Supervisor listed above.

Thank you for your help.

What if I bo but have the deformation you need?

Should you be unable to furnish this information, please indicate below the person or agency which may be able to provide the information requested.

9999175450

Please return this document with any additional documentation.

WARNING

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R-84 (Rev. 08-31-1999)	FINAL DISPOSITIO	on report	Leave Slank	
Note: This vital report must be	prepared on each individual whose errest finge	erprints have been forwarded to the F8I		•
arresting agency, complete left	ervices Division without final discosition noted if side and forward the form when case referred to: FBI, CJIS Division, Clarksburg, WV 2630	to prosecutor and/or courts. Agency on notice	e as to final disposition should	~~~~~
FBINO.		Finel Disposition & Date	***************************************	**
		(If convicted or subject pleaded guilty to in modification with disposition.)	esser charge, include this	
	First Middle	Trocumeday with disposition.		
ROOF, DYLANN S	TORM	-		
Date of Birth	sex_ M			b6 b7С
Heary Fingerprint Classification		Is this offense drug related?	Yes□ No□	
Erom FSI 1-B Response State Bureau No. (SID)	Serial Sacurito Sz. (SOC)	This Form Submitted By: (Name, Title, Agency, ORI No., City & Sta	ate)	AND C
Contributor of Fingerprints (Inc. together with ORI number) WEST COLUMBIA	clude complets name and location of agency	Agnalute	Date	oec.
		Title	***************************************	na.
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	03/01/2015	Certified or Authenticated Copy of Coun	Order Attached	
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THANK YOU				
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COLUMBIA POLICE DEPARTMENT

"Policing Excellence through Community Fartnerships"

FAX COVER SHEET

DATE: La	126/15			-	
TO:					b6 b7
NAME OF COMPANY:	FBI NICS	3	· · · · · · · · · · · · · · · · · · ·		
FAX#: 888-	550-6427		···		
CITY OF COLU	MBIA, SC	POLICE DEP	ARTMENT RI	CORDS UNIT	······································
NAME:	MCJ - Acting Super	visor Recards Division			. b(
AL JESS: 1 JUSTICE SQUAF	E, COLUMBIA SC 29201				
PHONE:	FAX: <u>(80</u>	3) 733-8370	*		•
PAGE 1 OF	processiving the grandess.		se 🖟 — Sysper	`	
F ANY PROBLEMS WITH FAX, C	ONTACT SENDER AT (80	3) 545-3577		٠	
message: <u>Re: I</u>	ylano Roof	*			<u></u>

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CONFIDENTIALITY NOTICE

THIS TRANSMISSION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN NFC" *ATION WHICH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE IERL. NOTIFIED THAT ANY DISCLOSURE, DISTRIBUTION OR COPYING OF THIS INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE IECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY BY CALLING THE ABOVE TELEPHONE NUMBER. THANK OU FOR YOUR ASSISTANCE AND COOPERATION.

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Date of Birth			l L
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State Bureau No. (SIO)	Social Security No. (SOC)	This Form Submitted By: (Name, Title, Apency, ORI No., City & Ste	(te)
Contributor of Fingerprints (I legether with ORI number.) COLUMBIA PD	nclude complete name and localism of agency	Signature	
		Enterum Super	viere - Recoces
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Please return this document with any additional documentation.

Columbia Police Department DRI = 800400100

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ADDITIONAL NARRATIVE

\mathrea \tag{2}			
lAconcy Name:	08.*	Record Distartions: OCA#	
City of Columbia Police (Reportment	5C0400100	02082015 2042	190001882
<u> </u>		A CONTRACTOR OF THE PARTY OF TH	COCCORDO DE LA COMPANSION DEL COMPANSION DE LA COMPANSION DE LA COMPANSION DE LA COMPANSION

SPEAKING VERY NERVOUSLY AND STATED THAT HIS PARENTS WERE PRESSURING HIM TO GET A JOB. I THEN ASKED MR.

ANN IF HE ASKED FOR AN APPLICATION FROM ANY OF THE STORES AND HE STATED THAT HE DID NOT, I AGAIN

JERVED THAT MR DYLANN WAS BECOMING MORE NERVOUS ACTING AND TAKING MORE TIME TO THINK OF ANSWERS TO

MY QUESTIONS, I THEN ASKED MR. DYLANN IF HE HAD ANYTHING ILLEGAL ON HIS PERSON AT WHICH TIME I LOCATED A SMALL

AND HE STATED THAT HE DID NOT. I THEN RECEIVED CONSENT TO SEARCH HIS PERSON AT WHICH TIME I LOCATED A SMALL

UNLABBLED WHITE BOTTLE CONTAINING MULTIPLE ORANGE IN COLOR SQUARE STRIPS LOCATED IN MR. DYLANN'S RIGHT

JACKET POCKET, I THEN ASKED MR. DYLANN WHAT THE ORANGE STRIPS WERE AND HE STATED THEY WERE LISTERINE

STRIPS, I AGAIN ASKED HIM WHAT THEY WERE AND HE STATED THAT THEY WERE SUBOXONE, I THEN ASKED MR. DYLANN IF

HE HAD A PRESCRIPTION FOR THEM AND HE STATED THAT HE DID NOT. I THEN CONFIRMED THROUGH POISON CONTROL

THAT SUBOXONE IS A SCHEDULE III NARCOTIC. I THEN PLACED MR DYLANN UNDER ARREST FOR POSSESSION OF

SCHEDULE III, POST MIRANDA MR. DYLANN STATED THAT THE STRIPS WERE SUBOXONE AND THAT HE RECEIVED THEM

FROM A FRIEND. DUE TO MR. DYLANN BEING ARRESTED I HAD HIS 2000 HYUNDAI BLANTRA (SC TAG KER488) TOWED BY ST

ANDREWS TOWING AND I NOTIFIED THE OWNER BY MAIL. I HAD ALL EVIDENCE TAGGED INTO THE PROPERTY ROOM.

incident#

00008/2016

190005692

ADDITIONAL VEHICLES

STATUS: 3	RELATED TO:	BOOF, CYLAWN, STOPM	VEHICLE TYPE:	, P
VIN AND/OR LICENSE	NO. KMHJESSESTU	964597 BOAT HULL NO A	ND/OR REG. NO.	
SERIAL AND/OR OWNE	ER APPLIED NO.		STATE	80
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MODEL HANN-ENA	STYLE ADDOR	COLOR ELACK	CID NO.	
COMMENTS		5C 14G NE	9458	
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YEAR OF REGISTRATION	ON	YEAR OF EXPIRATION	YEAR	MANE
MODEL	STYLE	COLOR	CID NO.	
COMMENTS	****			
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MODEL	STYLE	COLOR	CID NO.	
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AL AND/OR OWNE	R APPLIED NO.		STATE	
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MODEL	SIYLE	COLOR	CIB NO.	***************************************
COMMENTS	***************************************		***************************************	***************************************
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SERIAL AND/OR OWNE	R APPLIED NO.	·····	STATE	
YEAR OF REGISTRATION	<u> </u>	YEAR OF EXPIRATION	YEAR	MAKE
MODEL	STYLE	COLOR	CID NO.	
COMMENTS				
STATUS:	RELATED TO:	Management of the second of th	VEHICLE TYPE	***************************************
VIN AND/OR LICENSE	NO.	BOAT HULL NO. A	NO/OR REG. NO.	
SERIAL AND/OR OWNE	R APPLIED NO.	····	STATE	**************************************
YEAR OF REGISTRATION)N	YEAR OF EXPIRATION	YEAR	MAXE
MODEL	STYLE	COLOR	CID NO.	
COMMENTS	10			***

ORU#:

S00400160

Report Date / Time: incident #:

02/28/2015

20:42

150005592

INCIDENT REPORT **ADDITIONAL OFFENSES**

UCR	OFFENSE	MOTIVATED	BIAS CODE	STATUS	OFFENDER
		c		Complete	
		122		Cattémpt Complete	
		T.		Complete	
		Œ		Complete	
		D		Complete	
		T.		Complete	

INCIDENT REPORT DRUGS

Çóds	Status	Quantity	Messur	Suspected Type	Check up to 3 types of activity for each							
					Using	Buy	Cultivating	Distribution	Exploiting Children	Cocrating	Possess	Transport
Н	ž	İ	GN4	OTHER NASCOTION	n	n	Γ.	T)	File	D	R.	C
		199			r		T.	n	r :	C	C	Γ
****					173	r	T	r,	T	D		C
						n	П	Γ	C	r,	D	C
*****				***************************************	F	Г	n i	n	m	C	G	f
		· · · · · · · · · · · · · · · · · · ·			C	r	17	I	J.	Γ	Γ.	T-

AGENCY ID SC0400100

CASE NUMBER 150005592